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Attorney for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN EZELL BOWIE,

Defendant.

Case No. 6:22-cr-00161-MC

DEFENDANT'S SENTENCING MEMO-
RANDUM

Sentencing: September 3, 2024 at 10:30 AM

Mr. Bowie is scheduled to appear for sentencing for the offense of coercion and enticement of a minor, in violation of 18 U.S.C § 2422(b). Mr. Bowie and the U.S. Attorney's office will jointly recommend a 162 month term of imprisonment followed by a term of 20 years of supervised release. A sentence of 162 months' incarceration is sufficient but not greater than necessary to further the goals of sentencing outlined in 18 U.S.C. § 3553(a).

As detailed in his objections to the Presentence Report, Mr. Bowie objects to the PSR's assignment of a 2-level enhancement under §3B1.3 for abuse of a position

of trust. His role giving a one-time, four-hour basketball skills clinic was not characterized by substantial professional or managerial discretion that is ordinarily given considerable deference, nor did it significantly facilitate the offense. *See United States v. Contreras*, 581 F.3d 1163, 1166 (9th Cir. 2009), *aff'd in part, vacated in part en banc*, 593 F.3d 1135 (9th Cir. 2010). Application of the enhancement contravenes clear Ninth Circuit case law, and the facts are distinguishable from the Second Circuit decision applying the enhancement to a coach who assaulted his players where the defendant had significantly more discretion and access to his victims. *United States v. Broxmeyer*, 699 F.3d 265 (2d Cir. 2012). Without this enhancement, Mr. Bowie's total offense level is 38.

In support of his sentencing recommendation, Mr. Bowie relies on the details provided in his confidential supplement to presentence report, which he submits separately.

Respectfully submitted: August 28, 2024.

s/Kimberly-Claire E. Seymour
Kimberly-Claire E. Seymour
Assistant Federal Public Defender